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SEP 07 2006

REMARKS

Claim 23, which the Examiner has indicated would be allowable if written in independent form, is being written in that form, and applicant trusts that it will now be allowed.

The reference to the rail wagon is being deleted from Claim 28, and applicant trusts that the objection to the drawings and the rejections of that claim under 35 U.S.C. §112 will be withdrawn.

The language to which the Examiner has objected is also being deleted from Claims 26 ("shallow" flat plate) and 33 ("transverse" bracing), and Claim 32 is being amended to clarify the antecedent basis for the post to which the bracing extends. With these amendments, applicant trusts that the rejections of those claims under 35 U.S.C. §112 will likewise be withdrawn.

Claims 20, 21, 24 - 27 and 35 - 38 have been rejected under 35 U.S.C. §102 as being anticipated by Wakano (U.S. 5,388,532), and Claims 20 - 22, 24 - 28, 31 and 34 - 36 have been rejected under 35 U.S.C. §103 as being unpatentable over Betjemann (U.S. 3,459,326) in view of Wakano. Claims 25 and 37 are being cancelled, but reconsideration of the remaining claims is requested.

Applicant's invention differs from the devices shown in the references in that it is a support post for a container (not a pallet as in Wakano) and has rectangular detent openings in the two post sections and a rectangular detent which fits into the openings to support the post both for the lifting loads and the stacking loads to which a large freight container is subjected.

Wakano is concerned with adjustable legs for a pallet, and the lower ends of stanchions 6, 10 simply rest on L-shaped plates 54, 74. There are no slots in the stanchions, and if a lifting load were applied to the stanchions, they would be pulled out of their supports.

Betjemann shows a so-called shipping gondola, but does not even remotely suggest the use of flat detent surfaces.

Claim 20 is being amended to further distinguish over the references in calling for comprising first and second post elements which can be moved axially of each other and have detent openings with opposing flat surfaces that are aligned with each other when the post elements are in predetermined indexed positions, and a detent having flat face bearing surfaces on opposite sides thereof for engagement with the flat surfaces of the detent openings in the post elements to hold the post elements in the indexed

positions for both lifting and stacking loads. The flat surfaces are important in spreading the loads over substantially greater surface areas than is possible with round pins of similar dimension.

Claims 21 - 24 and 26 - 34 all depend from Claim 20 and are directed to patentable subject matter for the same reasons as their amended parent claim.

Independent Claims 35 and 36 are likewise is being amended to further distinguish over the references. Claim 35 is now directed to a post of adjustable length for supporting both lifting and stacking loads on a freight container, and that post is defined as comprising a pair relatively movable post elements having index openings with opposing flat sides therein, and a having opposing flat surfaces engagable with the openings to retain the post elements in a predetermined position. As discussed above, this structure is neither found in nor suggested by the references.

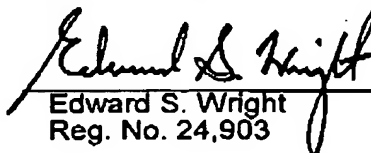
As amended, Claim 36 is directed to a support post comprising a first section mounted in a fixed position relative to a base, a second section which is axially extensible relative to the first section, apertures in the first and second sections with opposing flat surfaces for indexed mutual alignment when the second section is extended or retracted to predetermined positions, and a plate having opposing flat surfaces for insertion into the apertures to locate and retain sections in a predetermined position relative to each other. Once again, the structure is neither found in nor suggested by the references.

Claim 38 is directed to support post for a container, and it clearly distinguishes over the references in calling for an upstanding first section mounted in a fixed position, a second section which is axially extensible relative to the first section, laterally extending rectangular openings in the two sections which are aligned with each other when the second section is extended to a predetermined position, and a relatively flat detent pin of rectangular cross section which can be inserted into the aligned openings to hold the second section in the predetermined position.

With this amendment, it is respectfully submitted that Claims 20 - 24, 26 - 36 and 38 are all directed to patentable subject matter and that the application is in condition for allowance.

The Commissioner is authorized to charge any additional fees which required in this matter, including extension fees, to Deposit Account 50-2975, Order No. A-70132-1.

Respectfully submitted,


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